

Appln No. 09/944,905
Amdt date April 12, 2005
Reply to Office action of January 12, 2005

REMARKS/ARGUMENTS

Claims 1-38 will now be pending in this application upon entry of the above amendments. Claims 1, 15, 26, and 32 have been amended. Claims 36-38 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now-pending claims 1-38 are respectfully requested.

Claims 1, 5-8, 10, 15, 17-21, 26, 29, 32, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Douceur et al. (U.S. Patent No. 6,401,126). Applicant respectfully traverses this rejection.

Independent claims 1, 15, 26, and 32 have been amended to recite that one of the plurality of servers receiving a user request is "selected based on a selection mechanism, the selection mechanism being configured to substantially evenly distribute request processing burdens amongst the plurality of servers." Douceur fails to teach or suggest this limitation.

Douceur is directed to a file server system with multiple data servers that stripes the data files across all the data servers. (Col. 2, lines 17-27). Typically, the striping pattern starts the various data files on different starting disks, and hence, different servers. (Col. 2, lines 62-63). When a user requests a new stream of data, a controller first determines the server and disk on which the starting block of the stream resides. (Col. 6, lines 24-29). The controller then searches for a free time slot in the disk schedule for servicing the request. Thus, in Douceur's system, the particular server

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that is selected to handle a request depends on whether the server contains the starting block of a requested stream. The selection of the particular server is not according to any "selection mechanism" that is "configured to substantially evenly distribute request processing burdens amongst the plurality of servers" as is recited by the amended claims. Although Doucer discloses a thrifty distributed scheduling policy that attempts to distribute a stream request evenly over the available time slots, such policy does not affect the initial server that will be selected to handle a user request. Instead, the policy is relevant after the appropriate server has been identified to determine which of the time slots distributed to the server should be allocated to the request. Accordingly, claims 1, 15, 26, and 32 are now in condition for allowance.

Claims 5-8, 10, 17-21, 29, 34, and 35 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 2, 3, 16, 27, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur in view of Hugenberg et al. (U.S. Patent No. 6,714,545). Claim 4 is rejected as being unpatentable over Douceur and Hugenberg and further in view of Hoguta et al. (U.S. Patent No. 6,725,303). Claim 9 is rejected as being unpatentable over Douceur in view of Koperda et al. (U.S. Patent No. 5,790,806). Claims 11, 12, 14, 22-25, 30, and 31 are rejected as being unpatentable over Douceur and Hugenberg, and further in view of Hoarty (U.S. Patent No. 5,883,661). Claim 13 is rejected as being unpatentable over Douceur, Hugenberg, and Hoarty, and further in view of Plaza Fernandez et al. (U.S. Patent No. 6,377,992).

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Applicant submits that claims 2-4, 9, 11-14, 16, 22-25, 27, 28, 30, 31, and 33 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 36-38 are new in this application. These new claims depend on an allowable base claim, and are therefore in condition for allowance. In addition, claims 36 and 37 define the selection mechanism as one that "randomly selects the one of the plurality of servers" (claim 36), or a "round robin selection mechanism," which is not taught nor suggested by any of the cited references.

New claim 38 further adds the limitations that "each server maintains all data needed for handling a request." This is different from Douceur's data striping system where a file is striped across multiple servers. Thus, in Douceur, no single server "maintains all data needed for handling a request."

In view of the above amendments and remarks, Applicant respectfully requests reconsideration, reexamination, and an early indication of allowance of the now pending claims 1-38.

Respectfully submitted,
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